

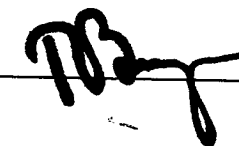
Clerk File No.

310102

Response of the Police Chief to the October 2008 and May 2009 Reports of the Police Intelligence Auditor, filed pursuant to Ordinance 108333 (Seattle Municipal Code 14.12).

The City of Seattle – Legislative Department

Clerk File sponsored by:



Committee Action:

Date

Recommendation

Vote

11/17/09 MSP to accept 2-0-0 TB, BH

Related Legislation File:

C7 310100, 310101

Date Introduced and Referred: 7.27.09	To: (committee): Public Safety Human Services Education
Date Re-referred:	To: (committee):
Date Re-referred:	To: (committee):
Date of Final Action: 11.23.09	Disposition: Filed 90

This file is complete and ready for presentation to Full Council.

Full Council Action:

Date

Decision

Vote

11-23-09 Filed 90

June 23, 2009
Date Filed with City Clerk

Theresa Dunbar
By



City of Seattle

Gregory J. Nickels, Mayor

Seattle Police Department

R. Gil Kerlikowske, Chief of Police

FILED
CITY OF SEATTLE

2009 JUN 23 AM 9:20

CITY CLERK

June 22, 2009

Judith Pippin
Seattle City Clerk
City Hall, 3rd Floor
Seattle, Washington 98104

Dear Ms. Pippin:

Pursuant to Ordinance 108333 and Seattle Municipal Code Section 14.12.330, I have reviewed the attached Reports of Police Intelligence Auditor after receiving them on June 19, 2009.

The Audit Reports revealed (a) no violations of the Ordinance and (b) a good faith effort by the Seattle Police Department to comply with the Ordinance in all respects.

I want to assure you of our continued intent to faithfully comply with the requirements of this Ordinance.

Sincerely,

John Diaz
Interim Chief of Police

EB:sed

Attachments



Seattle Police Department, 610 Fifth Avenue, PO Box 34986, Seattle, WA 98124-4986

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**Report of Police Intelligence Audit Pursuant to
Seattle Municipal Code 14.12
David Boerner, Police Intelligence Auditor**

On October 1, 2008, I reviewed material in the Seattle Police Department criminal intelligence section. As with previous audits I arranged with the head of the section, Eric Barden for access to the material necessary to complete the audit. When I arrived at the Seattle Police Department all the material I requested was available for my review. Lt. Barden cooperated fully with my audit. I was given access to all the files I requested to see.

The following is a summary of the categories of information reviewed for this report. These categories are the same as those inspected during previous audits.

1. **Request for information memorandum** – These documents are created when a law-enforcement agency or officer requests information on a given individual or group. There were thirty-one requests for information. All involved either criminal activity or background check requests that are not covered by Seattle Municipal Code 14.12.
2. **Bulletins** - The Intelligence Section issues bulletins to members of the Seattle Police Department concerning criminal activity, gang activity, visiting dignitaries and public events. Since the last audit, there were 2 criminal information bulletins, 9 gang information bulletins, and 24 intelligence bulletins.
3. **Investigation files** – These files reflect ongoing investigations being conducted by the department – these investigations do not involve the collection of restricted information.

4. **Subject files** – This is an investigation file documenting suspected criminal activity by subject matter-for example, burglary, robbery or other crimes. As with previous audits, I conducted a random review of the investigation/subject files.
5. **Public information file index** – This is essentially a library containing public information and documents on areas of concern to law-enforcement. This file is open to review by members of the public. I reviewed the entire index of documents maintained in this library.
6. **Law-enforcement journals/literature index** – This file contains a library of law-enforcement publications. This library is not open to the public. I reviewed the entire index of documents maintained in this library.
7. **Authorizations for the collection of restricted information/related files** – (Seattle municipal code 14.12.160). The last audit ended with a review of authorization number A6-A02. I reviewed all authorizations signed after the last audit. I also reviewed authorization 101 because it had been extended.

All of the information described in categories 1-7 above appears to have been appropriately collected, distributed and/or maintained within the guidelines set out in the ordinance. I will briefly summarize each authorization for the collection of restricted information that was reviewed during this audit.

Review of Authorizations:

Authorization #101

This authorization was signed on November 18, 2005 and extended on February 16, 2006, on September 14, 2006, on December 1, 2006, on February 23, 2007, on May 30, 2007, on August 28, 2007, on February 20, 2008, on May 19, 2008

and August 12, 2008. No infiltration was requested. The authorization and the extensions appear to have been appropriately granted and the information collected germane to criminal activity.

Authorization 06-A02

The authorization was signed on August 1, 2006. It was extended on October 26, 2006 and expired on January 30, 2007. The authorization and the extension appear to have been appropriately granted and the information collected germane to criminal activity. This file has been retained because of a pending criminal prosecution.

Authorization 08-A01

The authorization was signed on March 14, 2008. No infiltration was requested. The authorization appears to have been appropriately granted and the information collected germane to criminal activity and dignitary protection. The authorization has expired, but the files are retained because of pending criminal prosecution.

This authorization expired on April 20, 2008 and was not renewed. The authorization appears to have been appropriately granted and the information collected germane to criminal activity.

Authorization 08-A02

This authorization expired on April 20, 2008 and was not renewed. The authorization appears to have been appropriately granted and the information collected germane to criminal activity.

Authorization 08-A03

This authorization was signed on June 19, 2008. It was extended on September 11, 2008. The authorization will be effective until December 15, 2008. The authorization appears to have been appropriately granted.

Conclusion

The authorizations for the collection of restricted information appear to have been appropriately approved, and a review of the files connected with these authorizations has not uncovered the collection of inappropriate or illegal information. No new authorizations have been issued since the last audit. One authorization expired. It appears from the files reviewed that there is no evidence of a pattern, practice or incident involving the collection of information in a manner prohibited by the ordinance. Based on the available information, the auditor concludes that the authorizations for the collection of restricted information and the files related to those authorizations are in compliance with the Seattle Municipal Code.

Dated this 4 day of January, 2009.



David Boerner
Police Intelligence Auditor

Report of Police Intelligence Audit Pursuant to Seattle Municipal Code 14.12

David Boerner, Police Intelligence Auditor

On May 14, 2009, I reviewed material in the Seattle Police Department criminal intelligence section. As with previous audits I arranged with the head of the section, Eric Barden for access to the material necessary to complete the audit. When I arrived at the Seattle Police Department all the material I requested was available for my review. Lt. Barden cooperated fully with my audit. I was given access to all the files I requested to see.

The following is a summary of the categories of information reviewed for this report. These categories are the same as those inspected during previous audits.

1. **Request for information memorandum** – These documents are created when a law-enforcement agency or officer requests information on a given individual or group. All involved either criminal activity or background check requests that are not covered by Seattle Municipal Code 14.12.
2. **Bulletins** - The Intelligence Section issues bulletins to members of the Seattle Police Department concerning criminal activity, gang activity, visiting dignitaries and public events. All involved information regarding criminal activity.
3. **Investigation files** – These files reflect ongoing investigations being conducted by the department – these investigations do not involve the collection of restricted information.
4. **Subject files** – This is an investigation file documenting suspected criminal activity by subject matter-for example, burglary, robbery or other

crimes. As with previous audits, I conducted a random review of the investigation/subject files.

5. **Public information file index** – This is essentially a library containing public information and documents on areas of concern to law-enforcement. This file is open to review by members of the public. I reviewed the entire index of documents maintained in this library.
6. **Law-enforcement journals/literature index** – This file contains a library of law-enforcement publications. This library is not open to the public. I reviewed the entire index of documents maintained in this library.
7. **Authorizations for the collection of restricted information/related files** – (Seattle municipal code 14.12.160). The last audit ended with a review of authorization number A6-A02. I reviewed all authorizations signed after the last audit. I also reviewed authorization 101 because it had been extended.

All of the information described in categories 1-7 above appears to have been appropriately collected, distributed and/or maintained within the guidelines set out in the ordinance. I will briefly summarize each authorization for the collection of restricted information that was reviewed during this audit.

Review of Authorizations:

Authorization #101

This authorization was signed on November 18, 2005 and extended on February 16, 2006, on September 14, 2006, on December 1, 2006, on February 23, 2007, on May 30, 2007, on August 28, 2007, on February 20, 2008, on May 19, 2008 and August 12, 2008. It expired on February 1, 2009. Infiltration was authorized on June 19, 2008. The authorization and the extensions appear to have been

appropriately granted and the information collected germane to criminal activity.

Authorization 08-A03

This authorization was signed on June 19, 2008. It was extended on September 11, 2008, and March 4, 2009. The authorization will be effective until June 19, 2009. The authorization appears to have been appropriately granted.

Conclusion

The authorizations for the collection of restricted information appear to have been appropriately approved, and a review of the files connected with these authorizations has not uncovered the collection of inappropriate or illegal information. No new authorizations have been issued since the last audit. One authorization expired. It appears from the files reviewed that there is no evidence of a pattern, practice or incident involving the collection of information in a manner prohibited by the ordinance. Based on the available information, the auditor concludes that the authorizations for the collection of restricted information and the files related to those authorizations are in compliance with the Seattle Municipal Code.

Dated this 10th day of June, 2009.



David Boerner
Police Intelligence Auditor